

Court of Appeals, State of Michigan

ORDER

In the Matter of Jonathan Tassin

Docket No. 267025

LC No. 2002-282544-GA

Michael R. Smolenski
Presiding Judge

Henry William Saad

Peter D. O'Connell
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. According to our court rules, an interested party of a trust or an estate may claim an appeal of right from a final order of the probate court when the order affects the rights and interests of the party and it falls within a specified definition. MCR 5.801(B)(1). Since a guardianship like the one at hand does not encompass any property of the ward, there is no estate. *In the Matter of Llewellyn L Clark*, 103 Mich App 259, 261; 303 NW2d 16 (1981). Based upon this fact, orders entered in guardianship proceedings cannot fulfill the essential estate condition required for an order to be appealable to this Court. *Id.* This Court, therefore, lacks jurisdiction over appeals from such orders. *Id.* As noted in this Court's order of dismissal, appellant must appeal the November 16, 2005 order to the Oakland Circuit Court instead of this Court. MCR 5.801(C)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 13 2006

Date

Sandra Schultz Mengel
Chief Clerk